THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 15761 of 1996 and 10051 of 2005

Common order:

The petitioner's mother and father while working in
Sri Kandukuri Veeresalinga Theistic Degree School College as Teachers dies in harness in 1984 and 1991 respectively. Pursuant to the death of her father, she made representation dated 04.02.1991 to respondent No.2, namely the Secretary and Correspondent,
Sri Kandukuri Veeresalingam Theistic Degree College, seeking appointment on compassionate grounds in a suitable post. Respondent No.2, it is stated, has referred her representation to the District Collector, East Godavari, who vide proceedings dated 27.03.1993, accorded permission to respondent No.2 to appoint petitioner as Record Assistant in terms of G.O. Ms. No. 281, Education (J) Department, dated 25.05.1985. In pursuance thereof, respondent No.2, vide proceedings dated 02.04.1993 appointed the petitioner as Record Assistant, and submitted proposals dated 12.07.1993 to respondent No.1, namely the Commissioner of Collegiate Education, for ratification of her appointment. However, respondent No.1, vide proceedings dated 08.04.1994, rejected the proposals and refused to ratify the appointment of the petitioner on the ground that she is a married woman and no family member of the deceased employees are dependent on her. When respondent No.1 was taking steps to fill up the vacancies of Record Assistant, including the one held by her, the petitioner filed W.P. No. 15761 of 1996 questioning the proceedings dated 08.04.1994 of respondent No.1 refusing to ratify her appointment.

While admitting the writ petition, this Court by order dated 12.08.1996, passed in W.P.M.P. No. 19329 of 1996, granted interim directions directing the respondents to continue the petitioner in the post of Record Assistant, pending further orders. In pursuance of the said interim orders, the petitioner has been continuing as Record Assistant. During the pendency of the writ petition, having regard to the clarification issued by the Government in G.O. Ms.
No. 350 (GAD), dated 30.07.1999, wherein it is provided that when there is only a married to the deceased employee and if she was dependent on the government employee, subject to satisfying the other conditions and instructions, then her case should be considered for appointment on compassionate grounds, respondent No.2 again sent proposals for ratification of the appointment of the petitioner. However, respondent No.1 vide proceedings dated 23.09.2004, rejected the proposals on the ground that the clarification by the Government in the said G.O. was not extended to private aided colleges in the State. Assailing these proceedings, the petitioner filed W.P. No. 10051 of 2005.

The respondents filed justifying their action, and it is submitted that respondent No.2 is paying salary to the petitioner out of college funds.

Heard the learned counsel for the petitioner, learned Government Pleader for Higher Education and the learned counsel for the Sri Kandukuri Veeresalingam Theistic Degree College.

Though it was contended by the learned Government Pleader for Higher Education that the petitioner being a married daughter, is not eligible for compassionate appointment on account of the death of her father, the learned counsel for the petitioner submitted that after passing of the orders impugned in the writ petitions, the petitioner made representation to the Government, and the Government upon considering her representation, issued Memo dated 23.07.2005, stating that a married daughter of a deceased employee, if she had applied within time, before getting married, is eligible for compassionate appointment. In view of the said Memo, it was agreed by the counsel that appearing on behalf of the respective parties that the writ petitions be disposed of directing respondent No.1, namely Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad, to reconsider the proposals sent by respondent No.2, namely the Secretary and Correspondent, Sri Kandukuri Veeresalingam Theistic Degree College, for ratification of the appointment of the petitioner, in terms of the relevant G.Os. and the Memorandum dated 23.07.2005, issued by the Government.

Hence, both the writ petitions are disposed of with the following directions:

Respondent No.1, namely Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad, is directed to reconsider the proposals sent by respondent No.2, namely the Secretary and Correspondent, Sri Kandukuri Veeresalingam Theistic Degree College, for ratification of the appointment of the petitioner, in terms of the relevant G.Os. and the Memorandum dated 23.07.2005, issued by the Government. No costs.

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N.V. RAMANA, J.

Date: 09.02.2006.

KSR/JS